

REMARKS

Claims 1-24 are pending. Claims 1-24 are rejected. Reconsideration of the application in light of the following remarks is respectfully requested. Also, it is to be appreciated that while reference may be made back to certain parts of the application (e.g., page numbers, line numbers, Figs., etc.), that such referencing is not to be interpreted in a limiting manner (e.g., to limit the scope of the claims and/or features therein to the particular portion(s) referenced), but is instead merely done for purposes of explanation, illustration and/or ease of understanding.

I. REJECTION OF CLAIMS 1-23 UNDER 35 U.S.C. §103(a)

Claims 1-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Boos (US 7,103,343) in view of Auvray (US 5,953,641) and Bellaouar et al. (US 2005/0070325). Withdrawal of the rejection is respectfully requested for at least the following reasons.

The suggested combination fails to teach every element of independent claim 1, at least, because Bellaouar et al. is not available as prior art. More particularly, the instant application claims priority to DE 10317598.9 filed on 4/16/03, whereas Bellaour et al. has a (later) filing date of 8/10/2004. A certified copy of the priority document, a translation of this document and a certified statement of translation accuracy have been ordered and will be provided to the Examiner shortly. The undersigned would like to thank the Examiner for the telephone conversations had with regard to this issue (particularly since receipt of the certified copy had previously been acknowledged).

Also, Boos fails to teach a second frequency divider connected between the first voltage controlled oscillator and the analog/digital converter as provided in independent claim 1. For example, multiplier (MP1) (instead of a frequency divider) is coupled between reference generator (RG) and analog/digital converter (AD) in Fig. 2 of Boos.

Auvray similarly lacks these features and thus fails to make up for the deficiencies of Boos. For example, while Auvray may disclose a switchable frequency

changer (DIV) (Col. 4, lines 33-41), Auvray is silent as to analog to digital converters and does not disclose the DIV connected to a voltage controlled oscillator. As such, Auvray similarly fails to teach the second frequency divider connected between the first voltage controlled oscillator and the analog/digital converter as provided in independent claim 1. Accordingly, independent claim 1 is allowable over the references cited. Claims 2-23 depend from independent claim 1 and thus are also allowable over the references cited.

Withdrawal of this rejection is therefore respectfully requested.

II. REJECTION OF CLAIM 24 UNDER 35 U.S.C. §103(a)

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Auvray (US5,953,641) in view of Bellaouar, et al. (US 2005/0070325). Withdrawal of the rejection is respectfully requested for at least the following reasons.

As discussed above, Bellaouar et al. is not available as prior art.

Additionally, like independent claim 1, claim 24 provides, *inter alia*, that a sampling frequency for use by an analog to digital converter unit is obtained with a second frequency divider connected between a first voltage controlled oscillator and the analog to digital converter unit. For the reasons set forth above with regard to claim 1, independent claim 24 is similarly allowable over the references cited.

Withdrawal of this rejection is therefore respectfully requested.

III. CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, EHFP139US.

Respectfully submitted,
ESCHWEILER & ASSOCIATES, LLC

By



Thomas G. Eschweiler
Reg. No. 36,981

National City Bank Building
629 Euclid Avenue, Suite 1000
Cleveland, Ohio 44114
(216) 502-0600

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper or item referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date March 30, 2007


Christine Gilroy